

Responsible Authority, Designee, and Data Practices Compliance Official

The Data Practices Act (Minn. Stat. Chapter 13) and Minn. Rules, Chapter 1205 assign duties to government entities. The specific individuals in the entity who have the authority and responsibility for carrying out these duties are the:

- responsible authority (RA);
- designee (optional); and
- data practices compliance official (DPCO, required).

Responsible Authority: The RA is the person who ultimately is responsible for the collection, use, and dissemination of all entity data, and for all of the entity's data practices decisions. The RA must also ensure the entity complies with all of the requirements of the Act and the Rules. Both the entity and the RA are liable for violations of Chapter 13. (Minn. Stat. §§ 13.02, subd. 16; 13.05; 13.08; Minn. Rules 1205.0200, subparts 12-15, and 1205.0800-1500)

State agency: the RA is state official designated by law or by the commissioner of Administration as the individual responsible for the collection, use and dissemination of any set of data on individuals, government data, or summary data. (Minn. Stat. §13.02, subd. 16(a)) For departments, the commissioner of the department; for constitutional offices, the constitutional officer; for the University of MN, the individual appointed by the Board of Regents; for all other state agencies, the chief executive officer, or if none, then an individual chosen by the agency's governing body. (Minn. Rules 1205.0200, subpart 13) (See also, Minn. Stat. §13.46, subd. 10)

Constitutional offices: the constitutional officer. (Minn. Stat. §13.02, subd. 16(a) and Minn. Rules 1205.0200, subpart 13)

Statewide systems: the RA is the state official designated by law – the commissioner of any state department or any executive officer designated by statute or executive order as responsible for such a system; or if a state statute or executive order does not designate an individual as responsible authority, the commissioner of administration shall appoint the responsible authority after the entities which participate in the system jointly apply for such an appointment in a form provided by the commissioner of administration. (Minn. Stat. §13.02, subd. 16(a) and Minn. Rules 1205.0200, subpart 15)

Political subdivision: the RA is the individual designated by the governing body of that political subdivision as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. (Minn. Stat. §13.02, subd. 16(b)) The governing bodies shall appoint an RA that is an employee of the entity. (Minn. Rules 1205.0200, subpart 14)

County

- *Elected official:* the elected official is the RA for their office. (Minn. Rules 1205.0200, subpart 14(A))
- *Data outside of offices of elected officials:* Until an individual is designated by the county board, the RA is the county coordinator or administrator. If the county does not employ a coordinator or administrator, the responsible authority is the county auditor; (Minn. Stat. §13.02, subd. 16(b)(1))
- *Welfare system:* See Minn. Stat. §13.46, subd. 10

City: Until an individual is designated by the city council, the RA is the elected or appointed city clerk. If the home rule charter does not provide for an office of city clerk, the responsible authority is the chief clerical officer for filing and record keeping purposes. (Minn. Stat. §13.02, subd. 16(b)(2))

School district: Until an individual is designated by the school board: the superintendent. (Minn. Stat. §13.02, subd. 16(b)(3))

Welfare system: See Minn. Stat. §13.46, subd. 10. (DHS, DCT, local social services, veteran services, county welfare agency, child support enforcement)

Designee: A designee is a person designated by the RA to help administer and implement the requirements of Chapter 13 and the Rules. A designee is responsible for receiving and complying with requests for government data, and for answering inquiries from the public concerning the provisions of Chapter 13 or the Rules. The RA decides whether to appoint designees and how many are appointed. The RA is not required to appoint designees.

The law defines the designee as a person who is in charge of and responsible for individual files or systems containing government data. Often, an RA will appoint a division head – or the director of a unit within the entity – as the designee for the data maintained by that division or unit. (Minn. Stat. §13.02, subdivision 6)

Data Practices Compliance Official: The RA *must* appoint or designate one employee to be the entity's DPCO. Instead of making this appointment, the responsible authority may choose to serve as the DPCO. The DPCO receives and responds to questions or concerns about data practices problems, including problems in obtaining access to data the entity keeps. The DPCO may also be a designee but must also be designated as such. (Minn. Stat. §13.05, subdivision 13)

Responsibilities of the Responsible Authority, Designee, and Data Practices Compliance Official

Nothing prohibits other entity employees from assisting with these functions.

Statutory Responsibility	Responsible Authority	Designee	Data Practices Compliance Official
Prepare access procedures for members of the public and data subjects. (13.03, subd. 2; 13.05, subd. 8)	✓		
Establish procedures to ensure that data on individuals are accurate, complete, and current. (13.05, subd. 5)	✓		
Establish security safeguards for data on individuals. (13.05, subd. 5)	✓		
Establish procedures to ensure that the entity complies with requests for government data appropriately and promptly. (13.03, subd. 2)	✓		
Prepare summary data. (13.05, subd. 7)	✓		
Receive and make determinations about challenges to accuracy and completeness of data. (13.04, subd. 4)	✓		
Receive and make determinations about requests from minors to withhold data from a parent/guardian. (13.02, subd. 8 and Minn.. Rules 1205.0500)	✓		
Apply to the Commissioner of Administration for a temporary classification of data. (13.06)	✓		
Ensure that the entire entity complies with Chapter 13 and the Rules. (13.02, subd. 16; Minn.. Rules 1205.0900)	✓		
Appoint designee(s). (13.02, subd. 6)	✓		
Appoint a data practices compliance official. (13.05, subd. 13)	✓		
Receive and comply with requests for government data. (13.02, subd. 6; 13.03; 13.04)	✓	✓	
Responsible for files and systems containing government data. (13.02, subds. 6 and 16)	✓	✓	
Answer inquiries from the public concerning Chapter 13 or the Rules. (13.02, subds. 6 and 16; 13.05, subd. 13)	✓	✓	✓